



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

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David K. Paylor
Director

Steven A. Dietrich
Regional Director



STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION A SPECIAL ORDER BY CONSENT ISSUED TO CPFILMS INC. REGISTRATION NO. 30294

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board and CPFilms Inc. for the purpose of resolving certain violations of State Air Pollution Control Laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.

6. "CPFilms Inc." or "CPFilms" means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the structure located at 4210 The Great Road, Fieldale, Virginia.
8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Permit" means the Stationary Source Permit To Install and Operate dated October 15, 2004.

SECTION C: Findings of Fact and Conclusions of Law

1. CPFilms Inc. owns and operates a facility located at 4210 The Great Road, in Fieldale, Virginia. The facility is subject to a Title V Operating Permit dated September 21, 2001. This permit authorizes the facility to operate a solar controlled window film manufacturing facility. In addition, the facility is subject to the Stationary Source Permit To Install and Operate dated October 15, 2004, and MACT JJJJ.
2. On August 23, 2006, the Air Compliance Group, LLC, conducted stack testing for Volatile Organic Compounds from the reclaim and scrubber stacks controlling Dye Line #7. This testing was conducted to determine compliance with the lbs/hr and ppm emission limits specified in Condition #13 of the October 15, 2004 Stationary Source Permit To Install and Operate.
3. Stack test results were received in the WCRO on October 20, 2006. A review of the report indicated that the facility failed to demonstrate compliance for Volatile Organic Compounds emissions.
4. On October 26, 2006, a Notice of Violation was issued.

SECTION D: Agreement and Order

Accordingly the State Air Pollution Control Board, by virtue of the authority granted it pursuant to Va. Code §§10.1-1309 and 10.1-1316, orders CPFilms Inc. and CPFilms Inc. agrees to pay a civil charge of \$ 3,647.00 in settlement of the violations cited in this Order.

1. \$ 3,647.00 of this civil charge shall be paid within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of CPFilms Inc. for good cause shown by CPFilms Inc., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves the violation specifically identified herein, including those matters alleged in the Notice of Violation issued to CPFilms Inc. on October 26, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, CPFilms Inc. admits the jurisdictional allegations, but does not admit the factual allegations or legal conclusion of law contained herein. DEQ and CPFilms Inc. agree that the actions undertaken by CPFilms Inc. in accordance with this Consent Order do not constitute an admission of liability by CPFilms Inc. CPFilms Inc. does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Order, the validity of the Findings of Facts and Conclusions of Law contained in Section C of this order.
4. CPFilms Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. CPFilms Inc. declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by CPFilms Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing

herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

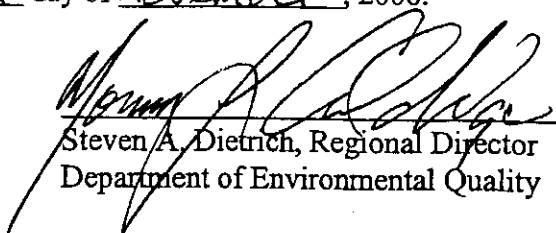
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. CPFilms Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. CPFilms Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CPFilms Inc. shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and CPFilms Inc.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to CPFilms Inc. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve CPFilms Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signatures below, CPFilms Inc. agrees to the issuance of this Order.

And it is so ORDERED this 22 day of November, 2006.

 FOR
Steven A. Dietrich, Regional Director
Department of Environmental Quality

CPFilms Inc. agrees to the issuance of this Order.

By: 

Date: 11-16-06

Commonwealth of Virginia

City/County of Henry

The foregoing document was signed and acknowledged before me this 16th day of November, 2006, by Keith Dalton, who is
(name)

V.P. Mfg. + Opr. of CPFilms Inc. on behalf of the Corporation.
(title)


Notary Public

My commission expires: 4-30-09

